

REMARKS

This responds to the Office Action dated May 3, 2007.

Claim 1 is currently amended. Claims 1-11 and 13-33 are now pending in this application.

Comments on Disposition of Claims

The Office Action Summary indicates:

- 4) Claim(s) 1-11 and 13-24 is/are pending in the application.
4a) Of the above claim(s) 25-33 is/are withdrawn from consideration.

The status of claims 25-33 is unclear because these claims are not “of the above” claims.

Applicant respectfully requests a clarification in the next official communication.

Objection to the Specification

The specification was objected to due to informality. Applicant has amended the specification and believes that the amendment has overcome the objection.

§103 Rejection of the Claims Using Chachques and Heynen

Claims 1-3 and 6-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chachques (U.S. Patent Application Pub. No. 2002/0124855, herein “Chachques”) in view of Heynen et al. (U.S. Patent No. 6,507,756, herein “Heynen”).

Claim 1

Applicant has amended claim 1 to more clearly describe the recited subject matter.

Applicant respectfully traverses the rejection and submits that the Office Action does not set forth a *prima facie* case of obviousness because Chachques and Heynen, individually or in combination, do not provide the claimed subject matter. For example, Applicant is unable to find in Chachques and Heynen, individually or in combination, among other things, a pulse generator that includes a selectable pacing mode including specialized cell therapy pacing cycles, as recited in claim 1.

Applicant respectfully requests reconsideration and allowance of claim 1.

Claims 2-3 and 6-10

Applicant respectfully traverses the rejection. Claims 2-3 and 6-10 are dependent on claim 1, which is believed to be allowable for at least the reasons set forth above. Therefore, the discussion above for claim 1 is incorporated herein to support the patentability of claims 2-3 and 6-10.

Applicant respectfully requests reconsideration and allowance of claims 2-3 and 6-10.

§103 Rejection of the Claims Using Chachques and Heynen

Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chachques and Heynen and further in view of Bonnet (U.S. Patent No. 6,574,507, herein “Bonnet”).

Applicant respectfully traverses the rejection. Claims 4 and 5 are dependent on claim 1, which is believed to be allowable for at least the reasons set forth above. Therefore, the discussion above for claim 1 is incorporated herein to support the patentability of claims 4 and 5.

Applicant respectfully requests reconsideration and allowance of claims 4 and 5.

Allowable Subject Matter

Applicant acknowledges the allowance of claims 11 and 13-24 as indicated in the Office Action Summary.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 10/723,258

Filing Date: November 25, 2003

Title: METHOD AND APPARATUS FOR CELL AND ELECTRICAL THERAPY OF LIVING TISSUE

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Dkt: 279.466US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6965 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

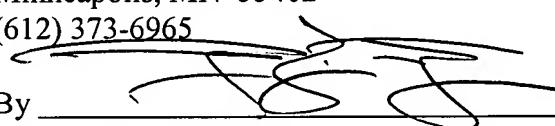
Respectfully submitted,

STEVEN D. GIROUARD ET AL.

By their Representatives,

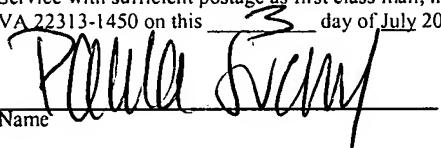
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Date 7-3-2007

By 

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3 day of July 2007.

Name 

Signature 